

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KIM SMITH,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 04-558
	)	
DIRECTOR DEVLIN, et al.,	)	
	)	
Defendants.	)	

ORDER

AND NOW, this 31<sup>st</sup> day of October, 2006, after the plaintiff, Kim Smith, filed an action in the above-captioned case, and after a motion for summary judgment was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff and the response to those objections filed by the defendants, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 126), which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' motion for summary judgment (Docket No. 120) is granted.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Kim Smith  
952 West 11th Street  
Erie, PA 16502